

EXHIBIT 1

1 Page 1

2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF GEORGIA
4 ATLANTA DIVISION

5 Civil Action No. 1:17-cv-02989-AT

6 DONNA CURLING, et al.,
7 Plaintiffs,
8 vs.
9 BRAD RAFFENSPERGER, et al.,
10 Defendants.

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14
15 REMOTE VIDEOTAPED DEPOSITION OF
16 JAMES A. BARNES, JR.

17 Lakeland, Georgia

18 Wednesday, July 20, 2022

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24 Court Reporter: Michelle M. Boudreaux-Phillips, RPR
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1 THE VIDEOGRAPHER: We are on the record
2 July 20th, 2022 at approximately 9:14 a.m.
3 Eastern Time. This will be the videotaped
4 deposition of James Barnes, Jr. Appearances
5 today will be noted on the transcript.

6 Would the court reporter please swear in
7 the witness.

8 JAMES A. BARNES, JR.,
9 being first duly sworn, was examined and testified as
10 follows:

11 EXAMINATION

12 BY MR. CROSS:

13 Q Good morning, Mr. Barnes.

14 A Good morning.

15 (Discussion off the written record.)

16 Q (By Mr. Cross) All right. Sorry,
17 Mr. Barnes. We appreciate you taking the time to do
18 this today. I'm sure you can think of a lot of better
19 ways to spend your day than sitting in a deposition.
20 You're here pursuant to a subpoena; is that right?

21 A Yes, that's correct.

22 Q Okay. Where are you physically located right
23 now?

24 A I'm in Lakeland, Georgia.

25 Q All right. And are you at your home, an

1 Q At any point when you were the elections
2 supervisor for Coffee County, did you change any of the
3 passwords on any of the election equipment, like the
4 EMS server, ICC, anything?

5 A No.

6 Q Did you have administrative rights to do
7 that? Was that something you were capable of?

8 A Honestly, I don't know. I don't think you
9 can, but I never was told that you could.

10 Q And why do you think you would not be able
11 to?

12 A Because it's a very secure system. That's
13 the way we were all told.

14 Q So based on your understanding, who had
15 administrative privileges in the system to change the
16 password on, say, the EMS server?

17 A Well, as I was told through CES, nobody
18 should be able to do that. I would assume it would
19 only be the State that could do that.

20 Q And who told you that through CES?

21 A I believe it was Mr. Prateek Patel.

22 Q I'm sorry, could you spell that one?

23 A Let's see. I believe it's
24 P-R-I-T-E-C-K [sic]. I believe that's correct.

25 Q What's his role in CES, your understanding of

1 it?

2 A Well, everybody at CES is essentially, like,
3 IT for the Secretary of State's office, so they're all
4 the computer-savvy guys. He was the one that built the
5 election databases for me, ballot databases.

6 Q So do I understand correctly that the -- the
7 password for an EMS server for the County, did that get
8 set by the State when that server comes in?

9 A Yes, the State initially sets that up.

10 Q And your understanding is the County wouldn't
11 then be able to change that password, that's something
12 they'd have to work with the Secretary's office on?

13 A That was my understanding.

14 Q And is that the same for the ICC?

15 A Yes, that's my understanding of that as well.

16 Q Okay. So you said you would -- well, sorry,
17 before we get to that, you mentioned earlier the
18 video of Misty Hampton running ballots through a
19 Coffee County scanner.

20 What was it about that video that led you to
21 decide not to reach out to her once you became the
22 elections supervisor?

23 A Well, all the equipment was completely
24 functional and, you know, if you -- you're supposed to
25 take those scanners and actually clean them every now

1 there was functionally no problem with that equipment.
2 Like I said, when I came in there, I tested all that
3 equipment and there were no issues with it. I mean,
4 that's one of the things you're supposed to do, you're
5 supposed to go in there and, every single election, you
6 have to do logic and accuracy testing. And every
7 single instance where I did logic and accuracy testing,
8 the equipment was fully functional, so I can only
9 believe that it was user error.

10 Q Is your understanding that logic and accuracy
11 testing is a cybersecurity test of voting equipment?

12 A The logic and accuracy testing goes through
13 and basically makes sure that it will accept
14 undervotes, overvotes. It tests everything,
15 essentially. Just like you would if you were actually
16 tabulating the election. It goes through the entire
17 process, basically, of running an election start to
18 finish and matches the numbers and makes sure that
19 everything matches up.

20 Q I'm asking you a more precise question,
21 Mr. Barnes.

22 Is it understanding that logic and accuracy
23 testing constitutes cybersecurity testing of the
24 equipment, or do you just not know one way or the
25 other?

1 A Logic and accuracy is not really about
2 cybersecurity. They're supposed to be closed systems
3 that are not networked out and supposed to be in a
4 locked door with only minimal access to -- of a few
5 people to them. So unless there's user error, there
6 shouldn't be cybersecurity issues.

7 Q And the testing that you did when you came
8 in, you're talking about logic and accuracy testing,
9 correct?

10 A Yes, that's correct.

11 Q In the time that you were at Coffee County,
12 are you aware of any cybersecurity testing that was
13 done on any of the election equipment there?

14 A No, sir. When it comes to us, it's certified
15 by the State.

16 Q So you rely on the State for that; is that
17 fair?

18 A Yes.

19 Q You mentioned earlier that you would
20 participate in meetings with the Coffee County Election
21 Board from time to time, right?

22 A That's correct.

23 Q How frequently was that?

24 A The Board had a monthly meeting every month.

25 Q And you participated in those meetings,

1 Q Much smaller than, say, Fulton or Cobb or
2 DeKalb County?

3 A Oh, absolutely.

4 Q Fair to say that in Lanier and Coffee County,
5 just because you're dealing with so many fewer voters,
6 you don't tend to run into issues along the lines like
7 in the denser counties?

8 A Yeah, it's a much different ballgame for us.

9 Q Who specifically first informed you that the
10 State was going to the BMD system because of this court
11 order? Do you remember who told you that?

12 MR. DENTON: Object to form.

13 THE WITNESS: I believe it was the
14 supervisor, but like I said, we all knew
15 about it.

16 MR. CROSS: Right.

17 THE WITNESS: I don't think there's a
18 single supervisor of elections that didn't
19 know about that, because quite a few of them
20 are older and set in their ways and didn't
21 really want to change over.

22 Q (By Mr. Cross) When you say "the
23 supervisor," you mean your elections supervisor that
24 you worked for in Coffee -- sorry, in Lanier County?

25 A That's correct.

1 hand-marked paper ballot at the polls the same way you
2 would with an absentee ballot where you bubble in a
3 circle and it gets scanned?

4 A I believe that you're referring to -- what's
5 the terminology here -- when somebody doesn't have what
6 they need to be able to vote on the machines, that they
7 can fill out a provisional ballot.

8 Q Provisional or an emergency ballot, right?

9 A Yes, that's correct.

10 Q And voting by hand on a -- on a hand-marked
11 paper ballot where you're bubbling in a circle, that
12 wouldn't involve a hanging chad, right?

13 A No.

14 Q Have you ever voted by a hand-marked paper
15 ballot in Georgia, absentee?

16 A I've voted absentee before.

17 Q Do you tend to vote more by absentee or more
18 in person?

19 A I tend to vote more by absentee just to avoid
20 all the people.

21 Q Fair to say you don't -- you don't have any
22 concerns about whether your absentee vote, which you
23 mark by hand, whether it's going to get counted
24 correctly in Georgia, right?

25 A I don't have any concerns.

1 Q Just to pick up where we were talking a
2 moment ago, you are aware, through your experience both
3 in Lanier County and in Coffee County as an election
4 official, that Georgia state law does allow counties to
5 use hand-marked paper ballots for emergency purposes,
6 right?

7 A Yes, that's correct.

8 Q And that's a decision that the county
9 elections supervisor makes, whether that becomes
10 necessary or appropriate; is that fair?

11 A Well, I mean, if you're getting to a point
12 where your machines all go down and you're going to
13 have to go to emergency ballots, you're supposed to
14 contact the State anyway to let them know about it.

15 Q Right, you want to inform the State, but it's
16 the elections supervisor's decision, right?

17 A Well, yeah, because you have to keep the
18 election going; otherwise, you end up with a court
19 order to extend it.

20 Q And the emergency circumstances wouldn't
21 necessarily be the machines going down, right, there
22 could be other circumstances? Like, if you had really
23 long lines, that could support the elections supervisor
24 deciding to go to hand-marked paper ballots if the
25 elections supervisor thought it would speed up the

1 process; is that fair?

2 A Well, when it comes to long lines, we're
3 supposed to give reports regularly to the State about
4 how long the line times are; and if the State thinks
5 that the lines are too long, then they'll give us
6 directive on that. That's really -- that's really up
7 to them to give us the go-ahead on something like that.

8 Q So to your understanding, the elections
9 supervisor doesn't have the authority to make that
10 decision, they need to turn to the State for that?

11 MR. DENTON: Object to form.

12 THE WITNESS: It's my understanding that
13 we tell the State about our line times, and
14 if the line times get too long, then they'll
15 direct us what to do.

16 Q (By Mr. Cross) As an elections supervisor
17 or as the assistant supervisor in both Lanier and
18 Coffee County, did you have or did the County have
19 discretion to determine whether to use BMDs or not in
20 any given election, or did they rely on the State to
21 determine that?

22 A We're supposed to use BMDs if at all
23 possible, yes. It's usually -- that's reserved more
24 for, really, emergency situations, like a tornado came
25 through and knocked everything out and you don't have

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1 any other option, at which point you would still let
2 the State know that a tornado came through and knocked
3 everything out.

4 Q So fair to say in Georgia, the State
5 determines the means of voting across the state?

6 A That is correct.

7 Q And that's the Secretary of State's office,
8 right?

9 A Yes.

10 Q Have you ever been in a situation as an
11 election official where hand-marked paper ballots were
12 used to vote in person, not absentee?

13 A Provisional ballots mostly. Never had an
14 emergency ballot situation.

15 Q When you were the elections supervisor in
16 Coffee County, about how many voters, just
17 percentage-wise, voted absentee versus in person? How
18 did the numbers break down?

19 A Actually, it was quite a relatively small
20 number that voted absentee compared to in person.

21 Q What about Lanier?

22 A Same thing in Lanier, most people wanted to
23 come in person.

24 Q Again, you guys have the benefit of not
25 running into long lines there, right, in Lanier and

1 A Yes, that's correct.

2 Q Any other equipment, as part of the election
3 system in Coffee County, you did not have access to
4 that you --

5 A No.

6 Q -- raised with the State?

7 A No, I didn't have any other issues.

8 Q All right, we'll come back to that.

9 Did you ever get any communications from
10 anyone on behalf of the State about election security
11 concerns?

12 A Well, we commonly get little memos and all.
13 And, you know, of course, most of the time we're
14 involved with CISA, and they give out cybersecurity
15 bulletins. And then like I said, of course, the
16 Dominion Voting kind of blast-out to everybody's email
17 just warning about third-party people trying to gain
18 access.

19 Q And CISA, you're talking about the
20 cybersecurity/infrastructure agency that's part of DHS,
21 the federal level?

22 A Yes, that's correct. And they also have like
23 a [indiscernible] for elections that gives out
24 elections bulletins to everybody.

25 Q And so do I understand right, in your

1 experience in Coffee County and Lanier, the Counties
2 look both to the State and to the federal agency to
3 provide guidance on election security?

4 A That's correct.

5 Q Were you aware that in July of 2021, there
6 was an election security expert named Alex Halderman
7 who did a security analysis of Dominion voting
8 equipment from Fulton County?

9 A No, I was not aware of that.

10 Q Is that something you've ever heard before
11 now?

12 A No.

13 Q So that wasn't something that was conveyed to
14 you when you were the elections supervisor in
15 Coffee County?

16 A No. I don't recall that.

17 Q Never read any press around that?

18 A No.

19 Q So no one from the State ever reached out,
20 for example, and said, "Hey, there's -- we have this
21 100-page report from an election security expert that's
22 identified a lot of security vulnerabilities with the
23 Dominion voting equipment used in Georgia"?

24 A I don't recall any emails of that nature.

25 Q If those types of vulnerabilities existed, if

1 Q (By Mr. Cross) Okay, so when Mr. Patel came
2 and replaced the EMS server, did he replace the
3 keyboard, the screen, any computer terminal, any wires,
4 any other equipment, or was it just the server that got
5 replaced?

6 A I don't recall anything else being replaced.

7 Q Beyond the server?

8 A That's correct.

9 Q And same with the ICC, the only thing they
10 replaced was the ICC itself, no other peripherals or
11 anything attached to it?

12 A As far as I know, that's correct.

13 Q Were you there with them when they were
14 replacing the equipment?

15 A Yes, I was there with them for the majority
16 of that time. I was doing other work.

17 Q Okay. So they left, took the ICC and the
18 server with them, and you don't know one way or the
19 other whether anyone ever got access to the data or the
20 files on the --

21 A That's correct.

22 Q What's your understanding of where the new
23 server and ICC came from that they brought that day?

24 A I would assume it came from their main office
25 in Marietta, but I'm not sure.

1 Q You didn't ask?

2 A No.

3 Q Did you have any understanding as to whether
4 these were a new EMS server and ICC or whether they
5 were taken from another county or had been used before
6 or just no understanding one way or the other?

7 A I just got the new server in there and it was
8 working, and that's what mattered to me because I had
9 an election coming up.

10 Q So you didn't ask -- you didn't ask them,
11 "Where did this come from"? All you needed was it to
12 work?

13 A Yeah, I didn't ask where it came from.

14 Q And after Mr. Patel and Chris left with the
15 ICC and the server, what follow-up did you have with
16 Mr. Patel or anyone else about this issue?

17 A I didn't have any follow-up with them.

18 Q Did you ever talk to Mr. Patel again?

19 A Yeah, in the normal course of business.

20 Q So he was one of -- he was, I think you said
21 earlier, your primary contact at CES, right?

22 A Yeah, I had asked -- I had asked him at one
23 point in time were they ever able to get, you know,
24 anything off of there because I had an open-records
25 request, and they said that -- "No, if you don't -- if

1 you don't have it, then you don't have it," so...

2 Q What does that mean, "if you don't have it,
3 you don't have it"?

4 A Well, he said if I don't have it there on the
5 server, then I don't have anything responsive to that.
6 So I took that to mean that he didn't have it either.

7 Q So you got an open-records request related to
8 the EMS server that had been replaced, you contacted
9 Mr. Patel, and he said if you don't have something
10 locally in Coffee County, you don't have anything to
11 produce?

12 A Yes, that's correct because -- I don't know
13 what that meant as far as his side. I just assumed it
14 meant they hadn't gained access either.

15 Q But you didn't ask him specifically if they
16 had been able to access the server themselves?

17 A Well, it was my understanding that when I
18 asked him if they had been able to access it because I
19 needed to get this equipment, he said that if I don't
20 have it locally, then, you know, I just don't -- I
21 don't have anything, that they hadn't been able to
22 access it. That's generally what you would assume if
23 an IT guy tells you that.

24 Q Right, but he -- I just want to be really
25 precise. And I apologize, because we're lawyers, words

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1 matter.

2 Did he -- at any point, did Mr. Patel ever
3 say to you explicitly that no one at the Secretary of
4 State's office, including CES, had been able to access
5 the EMS server that was taken?

6 A He did not specifically say that, but I had
7 asked them if they had accessed it to be able to get
8 that -- if there was any way I could get that. And he
9 responded in the negative to that, so I took that to
10 mean that, no, they had not.

11 Q When you say "he responded in the negative,"
12 he said if you don't have it locally, you don't have
13 anything to produce for the open records, right?

14 A Yes, he said if I don't have a copy of it
15 physically there in my office, then there's nothing
16 available to give them.

17 Q Okay. So as you sit here today, you don't
18 know for certain whether anyone at the Secretary's
19 office ever got access to the ICC or the EMS server?

20 A No, I don't.

21 Q And the conversation you had with Mr. Patel
22 about the open-records request, do you remember
23 approximately when that was?

24 A Honestly, I'm not sure.

25 Q Would you say the latter half of 2021, like

1 I understand your testimony, the Board would defer the
2 investigation to the State. I was asking a more
3 specific question.

4 Did any of the board members in that meeting
5 express concern about what the situation might mean for
6 the security or the reliability of the equipment that
7 you had or whether Ms. Hampton or anyone else had done
8 something they weren't supposed to do?

9 A Not any concerns over the equipment we had,
10 but like I said, we really changed the security
11 procedures since I'm there. So it's more of a "Oh, no,
12 this happened in the past but things are better now"
13 kind of situation.

14 Q You said you changed the security practices
15 in Coffee County. How so?

16 A Well, we just kept all the doors locked
17 unless there was a need not to. You know, like all the
18 storage for the equipment was locked at all times, the
19 main door past the lobby that goes into where our
20 office space was was kept locked. Whenever I wasn't
21 there, I locked the office door that I had, and the
22 server door was locked. Essentially, we just changed
23 the ways we did things.

24 Q And making sure everything was locked, that
25 was a change, that wasn't a historic practice at

1 Coffee County; is that your understanding?

2 A Yes, that's correct. And I also kept regular
3 voters and people from going back there into the inner
4 office. We just dealt with them at the countertop up
5 front.

6 Q And that was a change from prior practice in
7 Coffee County?

8 A Yes.

9 MR. CROSS: Okay, why don't we take
10 another break. Let's go off the record.

11 THE VIDEOGRAPHER: The time is 12:05.
12 We're off the record.

13 (Recess taken.)

14 THE VIDEOGRAPHER: The time is 12:27.
15 We're back on the record.

16 Q (By Mr. Cross) All right, sorry, just trying
17 to pull something up real quick.

18 All right, Mr. Barnes, I want to make sure I
19 got -- I understood something right.

20 So when the State took the ICC and the EMS
21 server, was that documented, like was there chain of
22 custody paperwork that you signed on that?

23 A I don't recall signing chain of custody
24 paperwork. Maybe I did. I'm not sure. It's been a
25 while, but...

1 Q But you expect to, right? That's a pretty
2 major change, to bring in a new ICC and EMS and get rid
3 of the old one. There would be chain of custody
4 documentation, right?

5 MR. DELK: Object to form.

6 THE WITNESS: If there was, the State
7 would have that option.

8 Q (By Mr. Cross) The County wouldn't keep a
9 copy of their own chain of custody documents so that
10 there's a record of replacing the ICC and the EMS?

11 A I'm not aware of any documentation about it
12 being taken, but then again, it was the state employees
13 coming to get it, so...

14 Q And you don't recall them handing you
15 paperwork to sign?

16 A I don't recall, no.

17 Q But you agree that chain of custody is
18 important, right?

19 MR. DELK: Object to form.

20 MR. DENTON: Object to the form.

21 THE WITNESS: Yeah, chain of custody is
22 important.

23 (Exhibit 3 marked for identification.)

24 MR. CROSS: Grab Exhibit 3, if you
25 would, please, sir. Just let me know when

1 Q Okay. Do I understand correctly that for the
2 EMS server and the ICC, each county has just one
3 password to access those systems?

4 A The password on that is -- each one is
5 different. There's a 16-digit one that we use to get
6 into that, and then there's a separate password for the
7 ICC.

8 Q I see. Okay.

9 So that -- it was two passwords that weren't
10 working when you came in, for the ICC and for the EMS
11 server?

12 A To my recollection, the ICC password was
13 actually functional, but the other one was not.

14 Q Oh. So why did the State take the ICC too?

15 A I would assume just based -- that it's just
16 because there's a problem with this one, let's just
17 double-check and make sure there's not an issue with
18 that as well, which is understandable.

19 Q Yeah, okay. I see.

20 So it wasn't that you had a password issue or
21 that the ICC wasn't functioning; Mr. Patel made a
22 decision or someone at the State made a decision, since
23 they were taking the server, to go ahead and take the
24 ICC too?

25 A Yes, that's my understanding.

1 Q Did you specifically have a discussion, did
2 you ask Mr. Patel, "Oh, why are you taking the ICC
3 since it works"?

4 A No, because I assumed obviously there was
5 problems with the one and there could be issues with
6 that one as well. I mean, if it's been compromised in
7 any way, I can't use it in an election.

8 Q What do you mean by that?

9 A I mean simply what I said, if it has been
10 compromised in any way, I can't use it in an election.

11 Q Sorry, when you say "compromised," I'm just
12 trying to understand what you mean.

13 A I mean if somebody had gone in and changed
14 the password on there, then that would mean that I
15 can't use that system because of what else could have
16 been done. It's no longer trustworthy.

17 Q So that -- I see what you're saying. So the
18 concern was the password no longer working, that might
19 suggest a compromise and so you should replace both to
20 be safe?

21 A Yes.

22 Q In the time that you were the elections
23 supervisor for Coffee County, was anyone ever allowed
24 in the EMS server room apart from you and your
25 assistant?

1 2021, but that sounds much later than you were thinking
2 because you reached out to Mr. Patel in April.

3 Does that date sound right to you?

4 A I thought that it -- I thought that it got
5 replaced in May, but I could be wrong.

6 Q Okay. Do you recall -- did the State do
7 acceptance testing on the new EMS server?

8 A Yes, they did.

9 Q And did they do that locally on site in
10 Coffee County?

11 A Yes. It was -- it was all set up on site.

12 Q So you were there for that?

13 A Yes.

14 Q In addition to the acceptance testing, did
15 they do logic and accuracy testing?

16 A They ended up actually, you know, testing it
17 with the paper ballots just to make sure it scanned
18 everything okay.

19 Q And that was all there on site with you in
20 Coffee County?

21 A Yes, that's correct.

22 Q Sorry, I don't remember off the top of my
23 head. Were there any elections in Coffee County
24 between the time you started as the supervisor and
25 June 8?

1 A No, there weren't any elections in that
2 period of time.

3 Q Did you keep a calendar when you were there?

4 A Yes, we had a calendar.

5 Q Do you recall, like, creating an appointment
6 or a meeting, something on a calendar that would have
7 indicated when they came in to replace the server?

8 A No, not that I can think of. I know that we
9 had to have -- well, let me see. I think that we
10 had -- we weren't going to end up doing -- yeah, we did
11 a primary election for the city council, and I want to
12 say that was held sometime in June. And that was the
13 reason why I had reached out to them, because we had to
14 make sure back in May, with a little bit of time, you
15 know, that everything was going to be good to go.

16 Q Okay. And did Mr. Patel or Chris or anyone
17 else, did they send you an email or text message or
18 anything saying, "Hey, this is when we're going to
19 come, this is the date and time"?

20 A No. What he said when I had talked to him
21 was that they would just be there next week.

22 Q But they set a specific date and time so you
23 knew they were coming, right?

24 A Yes.

25 Q And all of the communications about this were

1 A Just the cameras in the office.

2 Q And that's in the office where you work or
3 worked?

4 A Yes.

5 Q And what cameras were in the election office
6 at Coffee County when you were there?

7 A There was one in the front lobby. There was
8 one over there, let's see, near Sandy Grantham's desk.
9 And then there was one down in the big room where
10 there's a portion for early voting.

11 THE WITNESS: My headset is about to
12 die, so I'm going to have to switch over to
13 the computer.

14 MR. CROSS: Okay.

15 (Discussion off the written record.)

16 Q (By Mr. Cross) So no -- there was no cameras
17 in your office?

18 A No, not in that office.

19 Q And no cameras in the room where the EMS
20 server and the ICC were?

21 A No. I don't -- I don't believe that there's
22 a camera in the big room where the scanners are.

23 Q And the only access to the room with the EMS
24 server is through a door specifically to that room, but
25 they first have to get into your office?

1 A Yes, sir.

2 Q And you said you yourself looked to see if
3 there was any footage after you found the Cyber Ninjas
4 card; is that right?

5 A Yes. I contacted Charles Dial just to see,
6 you know, what, if anything, there was, if anybody had
7 come. I asked board members about it as well.

8 Q And did Mr. Dial tell you there was no
9 available footage for those cameras?

10 A Yes.

11 Q Did he explain why that was?

12 A He said it had already been overwritten. It
13 only kept maybe like about a three-month period on it.

14 Q And where is the footage from those cameras
15 maintained? Who has that?

16 A That would be up there at the county office.

17 Q So did you alert -- or did you reach out to
18 Mr. Dial about this before or after you emailed
19 Mr. Harvey?

20 A I'm not sure about that.

21 Q Was it roughly around the same time?

22 A Yeah, roughly around that time period,
23 because I followed up, basically, and did what Chris
24 had recommended me to do.

25 Q Chris Harvey?

1 A Yes, that's what I read.

2 Q And you're saying that article is the first
3 time you had ever heard that that may have happened?

4 A Yes, that's correct.

5 Q So in all the time you were working as the
6 elections supervisor, you never heard from the State,
7 for example, about any investigation into that
8 situation that was reported in the Washington Post?

9 A No, I never heard anything about that.

10 THE COURT REPORTER: I'm sorry,

11 Mr. Barnes, can you repeat your answer?

12 THE WITNESS: I never heard anything
13 about that.

14 THE COURT REPORTER: Thank you.

15 Q (By Mr. Cross) Beyond the press reports that
16 you just mentioned, have you -- have you ever heard
17 of -- that anyone obtained copies of election software
18 from Coffee County?

19 A No. It's only been from the press reports
20 that I've heard it.

21 Q Did you alert anyone at Dominion to the
22 concern about the Cyber Ninjas card?

23 A No, I did not.

24 Q So no communications with anyone at Dominion
25 about that?

1 A No, but typically we didn't really
2 communicate with Dominion because they've already, you
3 know, turned the equipment over to the State, and then
4 they brought it to us, so...

5 MR. CROSS: All right, Mr. Barnes, I
6 think I am done, but can we go off the record
7 and just give me like two minutes to check
8 with my group before I hang it up?

9 THE WITNESS: No problem.

10 THE VIDEOGRAPHER: The time is 1:29.
11 We're off the record.

12 (Recess taken.)

13 THE VIDEOGRAPHER: The time is 1:43.
14 We're back on the record.

15 Q (By Mr. Cross) All right, a few more things,
16 Mr. Barnes, and then I'm almost done.

17 Did you ever speak with Chris [sic] Dial or
18 anyone else in the IT department about trying to get
19 access to the EMS server when you were having trouble
20 with the password?

21 MR. DELK: Charles Dial, you mean?

22 MR. CROSS: Charles Dial.

23 MR. DELK: Okay.

24 MR. CROSS: Yeah.

25 THE WITNESS: No, I didn't talk to any

1 things that had to be checked off on the list.

2 Q So if I've got the list right, we've got
3 BMDs, poll pads, printers, and scanners; is that right?

4 A Yes. And the ICC and EMS server had already
5 previously been accepted.

6 Q And to the best of your recollection, all the
7 equipment that was supposed to be there was there, you
8 weren't short anything, you didn't have anything extra;
9 is that right?

10 A That's right.

11 Q This horse has kind of been beat to death, so
12 I'm afraid to whoop it anymore, but I do want to follow
13 up with one other piece of information.

14 I have seen a memo with the subject line
15 "Transferred Election Materials" that you signed off on
16 on May 7th of 2021 that indicated 27 boxes of election
17 materials had been transferred for storage. Does that
18 sound familiar?

19 A It does.

20 Q Where was -- where were those materials
21 stored?

22 A That would have been with the clerk of court.

23 Q Okay. And that's another requirement of your
24 office, right, is to -- is to transmit certain election
25 materials/records to the clerk of the court?

1 A There was another one that was even older
2 than that that was in a box, but...

3 Q Did you ever try to access that computer?

4 A No, because I didn't feel like there would be
5 a need to be because it was pretty obvious it was old
6 enough that nobody should have been using it recently.

7 Q I think you've already testified to this
8 also, but can you remind me who Ms. Cox is?

9 A She's the supervisor of elections in
10 Lowndes County and also the Region 11 coordinator.

11 Q Do you recall if you ever communicated with
12 her at all about the password issue on the server?

13 A I'm not sure if I contacted her about that or
14 not. A lot of times I would contact her about things,
15 just because she's the Region 11 coordinator, to get
16 input.

17 Q Do you recall if she had any input?

18 A No, because I'm not sure that I contacted
19 her.

20 Q There's an email from her to the county
21 commission shortly before you arrived, so you probably
22 would not have seen it, but the gist of it was that she
23 was delaying a visit by a Dominion rep to your county
24 until your position had been filled.

25 And so with that in mind, my question is: Do

1 you remember or recall any visit by any Dominion reps
2 during the first part of your tenure or during your
3 tenure at all at Coffee County?

4 MR. DENTON: Object to form.

5 THE WITNESS: The only person that I
6 remember coming by was -- I believe his name
7 was Greg Whiten, and that was with
8 EasyVote.

9 Q (By Mr. Abney) I'm sorry, was with who?

10 A The gentleman from EasyVote. That's a system
11 that we use. But I don't recall a Dominion
12 representative, no.

13 Q You mentioned obtaining and/or sharing
14 information -- I don't want to put words in your mouth,
15 but that was my recollection -- something to do with
16 BuzzFeed. Do you recall that?

17 A Yes, BuzzFeed is something that most
18 elections officials use.

19 Q What is BuzzFeed?

20 A BuzzFeed is like a comment board that's
21 provided by the Secretary of State's office for people
22 that have a log-in for it. It's used by elections
23 officials a lot of times to advertise for open
24 positions and also to put out equipment that they no
25 longer need to see if anybody else needs it.

1 A Well, you can set -- or at least I saw
2 multiple user accounts on there, but typically there's
3 only one user account that you would need to log in.
4 There really should only be one person doing the
5 servers.

6 Q What do you mean when you say you saw
7 multiple user accounts?

8 A On the ICC, there were several different
9 users set up.

10 Q Do you recall who those users were?

11 A No. It was just generic names like ICC-1,
12 something similar to that.

13 Q Okay. I take it there's not one, but let me
14 ask. Are you aware of any policy or procedure that's
15 been written down anywhere for how to handle the
16 situation like you faced where you have an EMS server
17 that you can't gain access to using the State-provided
18 password?

19 A No, I'm not aware of any SOP for that
20 situation.

21 Q And I know this topic also was covered, but I
22 want to make sure I got it right.

23 You contacted the State, told them you had a
24 problem with the password, they walked you through some
25 stuff on the phone and said, "Well, looks like we'll

1 come down next week and take care of it." Essentially,
2 that's what happened --

3 A Yes.

4 Q -- right?

5 A That's correct.

6 Q And the question that I was a little confused
7 about was during that phone call, did they tell you --
8 did they schedule a time and date the following week,
9 or was it just, "We'll be down sometime next week"?

10 A It was just that they would -- they would
11 come down and take a look at it next week.

12 Q And is it safe to assume that they didn't
13 just show up unannounced?

14 A Yeah. They gave me a call when they were,
15 you know, going to be coming down.

16 Q Okay. So you recall getting a telephone
17 call?

18 A Yes.

19 Q Who was that call from?

20 A That was Prateek Patel, I believe.

21 Q Okay. And did they call and tell you a day
22 or two in advance? Or was it, "Hey, we're in the car
23 headed your way"?

24 A It was the day of.

25 Q And your -- so it was a telephone call. Did

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1 C E R T I F I C A T E
2

3 STATE OF GEORGIA

4 COUNTY OF COBB

5
6 I, MICHELLE M. BOUDREAUX-PHILLIPS, do hereby
7 certify that JAMES A. BARNES, JR., the witness whose
8 deposition is hereinbefore set forth, was duly sworn by
9 me and that such deposition is a true record of the
10 testimony given by such witness.

11
12 I further certify that I am not related to
13 any of the parties to this action by blood or marriage
14 and that I am in no way interested in the outcome of
15 this matter.

16
17 IN WITNESS WHEREOF, I have hereunto set my
18 hand this 27th day of July 2022.

19 

20 _____
21 MICHELLE M. BOUDREAUX-PHILLIPS, RPR
22
23
24
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